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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,224	11/28/2003	Chien-An Su	ACMP0038USA	1223

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NORTH AMERICA INTELLECTUAL PROPERTY CORPORATION
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EXAMINER

KAYRISH, MATTHEW

ART UNIT	PAPER NUMBER
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2653

DATE MAILED: 02/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/707,224	SU ET AL.	
	Examiner	Art Unit	
	Matthew G. Kayrish	2653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) 7-15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5 and 6 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's election without traverse of species 1 (claims 1-6) in reply filed on 12/01/2005 is acknowledged. Claims 7-15 have been canceled without prejudice or disclaimer to the subject matter thereof.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujiwara (US Patent Number 6538970), in view of Ohira (US Patent Number 5867338).
4. Regarding claim 1, Fujiwara et al disclose:

A CD drive comprising:

An upper cover (figure 6, item 17) having a track (figure 6, item 32);

A clamp installed on the upper cover in a moveable manner (figure 6, item 19);

and

A guiding rod having a first end fixed on the push piece (figure 6, item 31), and a second end slidably installed in the track (figure 6, item 31);

Wherein when the disk tray slides in or slides out of the upper cover, the guiding rod slides along the track to drive the push piece to push the clamp upward so as to prevent the clamp from scraping an optical disk (column 9, lines 16-28).

Fujiwara fails to disclose:

A push piece installed on the disk tray;

A disk tray installed below the upper cover in a slidable manner;

Ohira et al disclose:

A disk tray installed below the upper cover in a slidable manner (fig. 1, item 14);

A push piece (figure 1, item 10) installed on the disk tray (figure 1, item 14);

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to install Fujiwara's clamping mechanism in Ohira's disc drive, since each of these clamp mechanisms lift the clamp off of the disc when ejecting it, therefore, not scratching it. They are recognized equivalents in the art and it would be obvious to provide Fujiwara with a tray.

5. Regarding claim 2, Fujiwara et al disclose:

The CD drive of claim 1 wherein one end of the push piece is pivot connected to the disk tray (column 4, lines 43-47).

6. Regarding claim 3, Fujiwara et al disclose:

The CD drive of claim 2 wherein the track has a curved section (figure 6, item 32), and the pivot connection is installed on a first side of the disk tray (figure 6, item 30); and when the disk tray slides out of the upper cover, the track drives the guiding rod

to move to the first side so that the push piece rotates to the first side to push the clamp upward (figures 6 and 13, item 33).

7. Regarding claim 5, Fujiwara et al disclose:

The CD drive of claim 1 wherein the track is a groove etched into the upper cover (figure 6, items 17 and 32).

8. Regarding claim 6, Fujiwara et al disclose:

The CD drive of claim 5 wherein the push piece has a hole and the first end of the guiding rod are fixed in the hole (figure 6, items 31 and 33).

Allowable Subject Matter

9. Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew G. Kayrish whose telephone number is 571-272-4220. The examiner can normally be reached on 8am - 5pm M-F.
11. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on 571-272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2653

12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Matthew Greco Kayrish

2/7/2006

MK



2/21/2006



TAN DINH
PRIMARY EXAMINER

2/21/06